



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

October 20, 1955

Hon. Charles L. Morris
Executive Director
Veterans Affairs Commission
Capitol Station
Austin, Texas

Letter Opinion No. MS-245

Re: Authority of Veterans Affairs Commission to employ a Stenographer authorized for the Legion Hospital to work at the Houston Hospital.

Dear Mr. Morris:

You have requested an opinion concerning the authority of the Veterans Affairs Commission to employ a Stenographer authorized for the Legion Hospital to work at the Houston Regional Office. Items 13 and 26 of the appropriation to the Veterans Affairs Commission, House Bill 140, Acts of the 54th Legislature, 1955, chapter 519, page 1348, at page 1527, provide:

"VETERANS AFFAIRS COMMISSION

For the Years Ending
August 31, August 31,
1956 1957

Houston Regional Office

13. Stenographers, 4, NTE \$2,610	\$10,440	\$10,440
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Legion Hospital

26. Stenographer	2,610	2,610"
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The rider to the appropriation to the Veterans Affairs Commission contains the following provision:

"The Veterans Affairs Commission is authorized to transfer positions and appropriations therefor from one hospital or regional office location to another only when action by the U. S. Veterans Administration in closing a U.S. Veterans Hospital or regional office or in consolidating such hospitals or offices, makes the transfer of such positions and appropriations necessary and desirable in order to render effectively the services to veterans provided by the appropriations specified above." (Emphasis added.)

Hon. Charles L. Morris, page 2 (MS-245)

As pointed out in your request, your office requested that five stenographers be assigned to the Houston Regional Office. However, the Legislature rejected this request and appropriated money for only four stenographers at the Houston Regional Office. We agree with you that "It is good business sense to use personnel where needed and to most efficiently operate the Department, as long as the duties of the position are being performed. We feel that no private concern would pay a salary at one location when that salary would be expended more advantageously at another location. Government is a business concern and much of that business must be left to the honest discretion of those to whom management is confided. Exact conditions and estimates of a Department's needs are impossible; and Legislative enactments should be interpreted, if possible, in the light of reality." Nevertheless, as long as the Legislature appropriates money by line items for the operation of the agencies of the State, neither a head of a department nor agency of the State can expend money appropriated in one item for use in another item.

Since the Legislature has appropriated money to the Veterans Affairs Commission by itemized appropriations to the particular offices of the Veterans Affairs Commission, no item appropriated for one office can be expended or used in another office unless the expenditure falls within the exception contained in the rider quoted above.

It is noted that the exception applies only when action by the U. S. Veterans Administration closes a regional office or consolidates such hospitals or offices. Therefore, you are advised that in the absence of such action by the U.S. Veterans Administration you are not authorized to employ a Stenographer authorized under Item 26 for the Legion Hospital to work in the Houston Regional Office.

APPROVED:

Yours very truly,

J. C. Davis, Jr.
County Affairs Division

JOHN BEN SHEPPERD
Attorney General

Mary K. Wall
Reviewer

J. A. Amis, Jr.
Reviewer

By 
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JR:zt